



July 22, 2005

Howard B. Bernstein  
RPS Program Manager  
Massachusetts Division of Energy Resources  
100 Cambridge Street, Suite 1020  
Boston, MA 02114

Re: Renewable Portfolio Standard Notice of Inquiry

Dear Mr. Bernstein:

UPC Wind Management ("UPC") thanks the Division for this opportunity to comment on the proposed changes in regulations.

The adoption of a Renewable Portfolio Standard by the Massachusetts legislature in 2002 was truly a watershed event in Northeastern United States. Not only did the Commonwealth demonstrate its leadership in promoting new supply of clean, renewable energy, it did so with an explicitly market-based system. Already, hundreds of millions of dollars of capital are poised to invest in a range of renewable projects in New England. UPC is excited about this potential and is working diligently on development of over 300 MW of New England wind projects.

Investors are repelled by uncertainty, and the recent history of advisory rulings concerning biomass technology has created a barrier to entry for new capital. UPC applauds the Division's efforts to reduce the uncertainty through a clarification of the regulations.

However, UPC is concerned that the effort to increase certainty is being muddled by other interests. With respect to biomass technologies, the legislation is clear in its intent to promote new generation supply. A complete repowering of existing biomass generators, such as the Schiller facility, clearly matches this intent.

Other cases are more ambiguous, and UPC believes the best way to uphold the intent of the legislation while increasing supply is to create a separate class for modified



existing biomass generators. Such classes or tiers have been successfully implemented through the Renewable Portfolio Standard in Connecticut and through the Alternative Energy Portfolio Standards in Pennsylvania.

UPC looks forward to the discussion on this important matter. Please contact us if there are any questions.

Sincerely,

Peter A. Gish, Esq.  
General Counsel and Managing Director  
UPC Wind Management, LLC